

REMARKS

Applicant requests substantive examination of the pending claims as amended by this Amendment B.

I. Amendments

Claims 1-5 and 7-17 were pending when the December 18, 2007 Restriction Requirement was mailed. The Restriction Requirement, however, indicates that claim 8 is not pending.

Applicant respectfully submits that claim 8 is pending and should be examined.

This amendment amends claims 1-5, 7-10, and 12-17; cancels claim 11; and adds new claim 18. Thus, claims 1-5, 7-10, and 12-18 are pending. Applicant submits that the amendments and new claim 18 do not introduce new matter. More specifically:

Claim 8 has been amended to depend from claim 1 rather than canceled claim 6. In accordance with this amendment, claim 8 also has been amended to remove references to second and third additives.

Claim 8 has been amended to replace the names Prozac, Zantac, and Benadryl with the corresponding generic names. Claim 8 also has been amended to remove references to HOE 120739 and Sumitomo Chemicals-1638.

Claims 12 and 13, which originally depended from now canceled claim 11, have been amended to depend from claim 15.

Claim 15 has been amended to be more specifically directed to a process for forming a soft chew formulation of claim 1.

New claim 18 is supported by Applicant's specification at, for example, Example 1b on page 22.

Other amendments correct obvious errors or rephrase the claims to make the claim language more consistent and/or easier to read. Applicant submits that such amendments are permissible under MPEP §2163.07.

Applicant reserves the right to pursue any canceled or other subject matter disclosed in this application in one or more divisional and/or continuation applications.

II. Response to Objection to Claim 8

An objection has been raised to claim 8 for depending from a canceled claim. Applicant

thanks the Examiner for identifying this issue. Claim 8 has been amended to depend from claim 1. In view of this amendment, Applicant requests withdrawal of the objection.

III. Response to Restriction Requirement

In response to the December 18, 2007 Restriction Requirement, Applicant elects **Group I**, which is directed to pharmaceutical soft chew formulations. Although the Restriction Requirement indicates that **Group I** is limited to claims 1-5 and 7, Applicant submits that **Group I** also includes claim 8. Thus, Applicant requests that claim 8 also be examined and not withdrawn.

The Restriction Requirement also mandates an election of a species. In response, Applicant elects the soft chew formulation of Example 1b on page 22. Accordingly, Applicant has added new claim 18, which specifically encompasses this species.

Claims 9, 10, and 14 are directed to a process for using a soft chew formulation of claim 1 to introduce or deliver an additive to an organism. And claims 12, 13, and 15-17 are directed to processes for making a soft chew formulation of claim 1. Pursuant to the restriction requirement election, claims 9, 10, and 12-17 have been withdrawn. Once claim 1 is allowed, however, Applicant requests that claims 9, 10, and 12-17 be rejoined. Under such a circumstance, this rejoinder is required:

Process claims which depend from or otherwise include all the limitations of the patentable product will be entered as a matter of right if the amendment is presented prior to final rejection or allowance...

MPEP §821.04(b) (emphasis added).

Applicant hereby requests a two-month extension to respond to the December 18, 2007 restriction requirement, and authorizes the Commissioner to charge the corresponding extension fee to Deposit Account No. 02-2334. Applicant believes that no additional fee is due in connection with this filing. If, however, any such fee(s) is/are owed, the Commissioner is hereby authorized to charge the fee(s) to Deposit Account No. 02-2334. In addition, if there is ever any other fee deficiency or overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent

Amendment B and Response to Restriction Requirement

Appl. No. 10/524,242

March 18, 2008

application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. **02-2334**.

Applicant submits that this application is in condition for allowance, and requests that the application be allowed. Applicant also requests that the Examiner call the Undersigned if any issues arise that can be addressed over the phone to expedite examination of this application.

Respectfully submitted,



David M. Gryte, Reg. No. 41,809
Senior Counsel, Patents
Patent Department
Intervet Inc., a part of Schering-Plough Corporation
29160 Intervet Lane
Millsboro, DE 19966
(302) 934-4395 (office tel)
(302) 934-4305 (fax)
(302) 245-1402 (cell)

DMG/DAP